

## **II. REMARKS**

Claims 1,3-5,8,9,11-14,17,18,20,22-26,28,30,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Boesen.

The Examiner acknowledges the Davis fails to teach the features of claim 1 of the present application that the first and second detector arrangements are based on different principles of the user of the terminal, and that a control operation is provided only if the first and second detector arrangements both output a signal that indicates a contact between the contact and the skin of the user. However, the Examiner argues that Boesen discloses these features, and that it would have been obvious to a skilled person to combine the teaching of Boesen with that of Davis in order to arrive at the subject matter of claim 1.

First it is respectfully submitted that Boesen does not teach the features if present claim 1 discussed above. Boesen relates to a cellular telephone transceiver unit which connects to an ear piece via a wireless linkage and thereby allows a user to be in a hands free mode when using a cellular telephone. The ear piece shown in Figures 2 and 3 and discussed at column 3, line 16ff, comprises a bone sensor and an air sensor placed in the external auditory canal of the user to detect the voice vibrations of the user.

The bone conduction sensor 22 (shown in Figure 3 of Boesen) is in contact with the external auditory canal epithelium of the user near the bony cartilaginous junction. The bone conduction sensor 22 is a piezoelectric accelerator or similar device which is intended to pick up, as voice signals, the vibrations of the

upper wall of the external auditory canal at the time of uttering voice sounds. When the user utters voice sounds, these sounds reach the mastoid bones and cause sound vibrations in the external auditory canal portion in contact with the bone sensor 22(see column 3, line 16 to 18,36 to 39,47 to 53 and 55 to 65). Therefore, it is clear that the bone conduction sensor 22 of Boesen is a sound detection device.

The second sensor mentioned in Boesen is an air conduction sensor or microphone 46 which is found in the external ear canal. The air conduction sensor 46 is of a standard construction and may be obtained from various hearing aid manufacturers. The air conduction sensor 46 is designed to collect external sound rather than sound transmitted through the bones of the user which is collected by the bone conduction sensor 22(see column 3, line 66, to column 4, line 11, of Boesen). Thus, the air conduction sensor is also a sound sensor or a microphone which is designed to collect sound transmitted through the air.

The Examiner appears to believe that the bone conduction sensor 22 and the air conduction sensor or microphone 46 of Boesen corresponds to the first detector arrangement and the second detector arrangements defined in claim 1. However, according to claim 1, each detector arrangement detects a contact between at least one surface of the terminal and the skin of the user of the terminal. Neither the air conduction sensor nor the bone conduction sensor of Boesen perform a contact detection function, because they are sound rather than contact detection devices.

With regard to the air condition sensor 46, it is clear from Figure 3 that this component is not even in contact with the skin of the user, and is thus quite incapable of functioning as a

contact detector. Figure 3 shows that the air conduction sensor 46 is in contact with the air in the auditory canal of the user.

Even though the bone conduction sensor 22 is in contact with the external auditory canal epithelium of the user, this does not make it capable of detecting a contact between the surface of the terminal and the skin of the user. As it is clearly a sound sensor, it provides no indication of contact with the skin of the user per se. Thus, the bone conduction sensor would provide no signal caused simply by contact with the skin of the user in the absence of the user making a sound.

Moreover, it is not apparent how the Examiner considers that, in the method of Boesen, a control operation is provided only if the first and second detector arrangements both output a signal indicating a contact between the terminal and the skin of the user. The sensors of Boesen are both microphones intended to pick up different types of sound, which are converted to voice signals and then transmitted in the cellular communication system. These voice signals do not regulate a control operation in the method of Boesen, and neither outputs a contact signal. Thus there is no control operation in Boesen which requires output of a skin contact signal from both of its sensors.

For the reasons given above, the combination of Davis with Boesen fails to disclose all of the features of claim 1.

Moreover, a skilled person would not combine the teaching of Davis with Boesen because each relates to apparatus designed to solve an entirely different technical problem. Whereas Davis seeks to provide a control apparatus for regulating the operational state of a wireless telephone, Boesen is concerned

with providing an ear piece which is capable of picking up sounds from different sources and processing them into voice signals for transmission in a communication system. A skilled person would see no application for the apparatus disclosed in Boesen in the control apparatus of Davis.

It is submitted that each of the other claims in the present application contains equivalent limitations to those discussed above and thus would not have been obvious in view of the cited prior art for similar reasons.

Thus the rejection of claims 1,3-5,8,9,11-14,17,18,20,22-26,28,30 and 31 should be withdrawn.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Boesen and further in view of Cairns.

Similarly, Cairns fails to disclose the above features. Thus combining it with Boesen and Davis does not result in the present invention. Hence, the rejection of claim 6 should be withdrawn.

Claim 7,10,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Boesen and further in view of Giel.

Also Giel fails to disclose the above feature. Thus combining it with Boesen and Davis does not result in the present invention. Hence, the rejection of these claims should be withdrawn.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Boesen and further in view of Budd.

Similarly, Budd fails to disclose the above features. Thus, the rejection of claim 19 should be withdrawn.

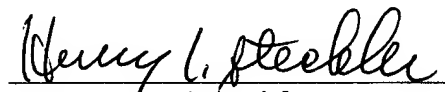
Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Boesen and further in view of Nakajima.

Also, Nakajima fails to disclose the above features. Thus, the rejection of claim 21 should be withdrawn.

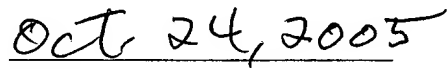
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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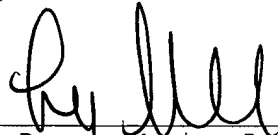
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